

THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

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Directions From the Tribunal to
the General Secretary re Summoning
of Witnesses
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YOU ARE DIRECTED THAT:

(a) You will issue a summons for the appearance of a witness before the Tribunal only after the party desiring the witness has filed a written request therefor in your office. The request shall set forth the name of the witness, his nationality, the address where he resides, and any further information as to the place where he may be found, within the knowledge of the party filing the request, and shall state the date on which the witness will probably be called upon to testify before the Tribunal.

(b) Requests for summonses shall be filed with the General Secretary:

(1) Not less than three (3) days before witness' attendance before the Tribunal is required, if the witness resides or may be found in the Tokyo area of Japan; and

(2) In all other cases not less than three (3) days, plus the additional time

necessary to permit the server of the summons to travel from Tokyo to the place where the witness resides or may be found, and for the witness to travel from the place where he will be served with the summons, to Tokyo, before the witness' attendance before the Tribunal is required.

(c) The summons shall be in the English language and should the native language of the witness be other than English the translation of the summons in the witness' language shall be served with the copy of the summons, and the return of service shall recite that fact.

(d) Upon application and for good cause shown, the President of the Tribunal may direct by indorsement upon the request for the issuance of summons that the application shall not be open for inspection, in which event the application shall be sequestered and kept secret until the further order of the President of the Tribunal.

(e) After the summons to testify has been issued, the same may be delivered, together with a copy thereof, to the party requesting the issuance thereof, for service.

(f) The service of summons may be made by any competent person whether or not such person is

associated with the prosecution or defense, or by the Marshal of the Tribunal, or by any other competent person designated by the Marshal or the Supreme Commander for the Allied Powers for this purpose.

(g) The summons for a witness who resides or can only be found outside the zone of occupation shall be delivered to the Supreme Commander for the Allied Powers for service in such manner as he may direct.

(h) The original summons shall be shown to the person served and a copy of the summons shall be delivered to him at the time of service. The person serving a summons shall immediately thereafter make return of service on the original summons and file the same in the office of the General Secretary. Such return shall indicate the name of the person served, time and place where service was made.

(i) The summons may be issued in blank name only upon the written order of the Tribunal after proper showing by the party desiring such blank summons, and at the time of service of said blank summons the server shall insert the name of the party summoned.

(j) All witnesses other than Japanese nationals appearing before the Tribunal either voluntarily or in response to a summons, shall be paid Two Dollars Fifty Cents (\$2.50) a day for each day

of actual attendance and for the time necessarily occupied in going from and returning to the place of service, and Fifteen Cents (15¢) a mile for each mile traveled by the witness in going from the place of service and return, unless government transportation has been provided. Mileage must be estimated by the shortest usually traveled route.

(k) No summons for the attendance of a witness shall be issued after the 1st day of August, 1946, unless the President of the Tribunal otherwise directs for good cause shown.

DATED at Tokyo, Japan, this 13 day of June, 1946.

By the Tribunal.

/s/ W. F. WEBB

PRESIDENT